



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
BURIAL SERVICES
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DESIGNATION OF TRUSTEE TRUST INSTRUMENT

In accordance with the provisions of 62-5-402, Tennessee Code Annotated,

_____ is hereby designated Trustee
(Name of Trustee)

of the fund established under the provisions of said act by _____
(Establishment Name)

The authority of the said trustee is to extend to all trust accounts both irrevocable and revocable that may be deposited in the _____ Bank, located in _____, Tennessee.

The authority of the Trustee shall include all aspects of the provisions of the said statute. The basis for determining the Trustee's fee (if any) will be _____% or \$_____ on each account and will be deducted from the net earnings on the trust funds.

Upon death of the person for whose services the funds were paid, the Trustee shall pay over the money to the person, association, partnership, firm or corporation furnishing the services or merchandise only after he shall have been furnished with a certified copy of the death certificate of such person, together with a verified statement setting forth that all of the terms and conditions of such agreement have been fully performed by the person, association, partnership, firm or corporation.

The trustee shall pay any balance remaining in the fund after payment for the merchandise and services as set forth in the agreement, contract or plan to the purchaser or his estate.

The Trust Instrument shall bind the Trustee to make available at reasonable times and places, on request by a contract buyer, the trustee's records of the trust account established pursuant to the contract buyer's preneed contract.

Funeral Establishment's Name: _____

Signature of Officer/ Owner: _____ **Date:** _____

Bank or Trustee's Name: _____

Mailing Address: _____

(City) (State) (Zip) **Phone #:** () _____

Signature of Trustee: _____ **Date:** _____
(Sign) (Print)

(OVER)
Text 62-5-402, 62-5-404, and Rule 0780-1-.09

62-5-402. Investment and payment of deposits. ---

- (a) All such money deposited with such bank or trust company shall be held by such bank or trust company in a separate account in the name of a designated trustee, if the trust account establishment by said agreement, contract or plan is irrevocable, and in the names of a designated trustee and the purchaser, if such trust account is revocable, until such funds are released as herein provided.
- (b) Money deposited in accounts required by this chapter may be held and invested in a common trust fund or investment so long as the bank, savings and loan, or trust company can at all times ascertain the amount due the beneficiary or beneficiaries of the funds.
- (c) All payments are under said agreement, contract or plan and any earnings or interest thereon shall be and remain funds with such bank or trust company until the death of the person for whose service the funds were paid unless otherwise provided in this part.

62-5-404. Payment and control of fund upon death. ---

- (a) Upon the death of the person for whose services the funds were paid the same shall be paid by the bank, federally insured savings and loan association, federally insured savings bank, or trust company to the named trustee upon his proper demand.
- (b) The trustee shall pay over the money to the person, association partnership, firm or corporation furnishing the services or merchandise only after he shall have been furnished with a certified copy of the death certificate of such person, together with a verified statement setting fourth that all of the terms and conditions of such agreement have been fully performed by the person, association, partnership, firm or corporation.
- (c) The trustee shall pay any balance remaining in the fund after payment for the merchandise and services as set forth in the agreement, contract or plan to the purchaser or his estate.

Rule 0780-1-48-.09 TRUST INSTRUMENTS

- (1) Each trust instrument shall specify:
 - (a) the trustee's duties in conformance with the provisions of this chapter;
 - (b) the basis for determining the trustee's fee (if any); and
 - (c) any other appropriate terms of trusteeship.
- (2) Each trust instrument shall bind the trustee to make available at reasonable times and places, on request by a contract buyer, the trustee's records of the trust account established pursuant to the contract buyer's preneed contract.
- (3) The Commissioner may require alterations or additions to a trust agreement if he finds that it is not in accord with the provisions of this Chapter.